

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCONSUMER ELECTRONICS ASSOCIATION,
INFORMATION TECHNOLOGY INDUSTRY
COUNCIL, ITAC SYSTEMS, INC., and WILLIAM
SODERBERG,

Plaintiffs,

v.

CITY OF NEW YORK, MICHAEL R. BLOOMBERG,
in his official capacity as Mayor of the City of New
York, NEW YORK CITY DEPARTMENT OF
SANITATION, JOHN J. DOHERTY, in his official
capacity as the Commissioner of the Department of
Sanitation, and ROBERT LANGE, in his official
capacity as Director of Waste Prevention, Reuse and
Recycling of the Department of Sanitation,

Defendants,

NATURAL RESOURCES DEFENSE COUNCIL,

Intervenor Defendant.

WHEREAS, the Plaintiffs commenced this action challenging the legality and constitutionality of New York City's Electronic Equipment Recycling and Reuse Act (Local Law 13 of 2008, as supplemented and amended by Local Law 21 of 2008), and implementing regulations (collectively, the "City E-waste Program");

WHEREAS, the Plaintiffs filed a motion for preliminary injunction against the implementation of the City E-waste Program, including its mandate on electronics manufacturers to provide free direct collection of certain electronic equipment weighing in excess of 15 pounds to New York City residents;

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09 Civ. 6583 (WHP)
(ECF Case)STIPULATION OF
VOLUNTARY DISMISSAL
AND SETTLEMENT

WHEREAS, to allow for a full briefing of the issues raised by Plaintiffs' motion for a preliminary injunction, Defendants agreed to stay the implementation and enforcement of the City E-waste Program while the Plaintiffs' motion for a preliminary injunction was pending;

WHEREAS, the Parties subsequently entered into settlement negotiations and the Parties proceeded to, among other things, work to identify potential public and private collection sites for used electronic equipment that could support an effective, efficient, and flexible collection system in New York City without requiring free direct collection of used electronics from residences;

WHEREAS, on May 28, 2010, the New York State Electronic Equipment Recycling and Reuse Act (Article 27, Title 26 of the Environmental Conservation Law) ("NYS E-waste Bill") was signed into law;

WHEREAS, pursuant to the NYS E-waste Bill, section 27-2619 of the New York Environmental Conservation Law now vests authority over collection and recycling of used electronics exclusively in the state, and expressly preempts any local law or ordinance, or any rule or regulation promulgated thereto, governing covered electronic equipment and the collection, reuse, or recycling of used electronics, including, therefore, the City E-waste Program in its entirety;

WHEREAS, the Parties agree that continuing to work together to develop an accessible system to collect used electronics for New York City residents is beneficial and valuable for all parties;

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties that Plaintiff's voluntarily dismiss, without prejudice, the case pursuant to Federal Rule of Civil Procedure 41(a)(1);

IT IS FURTHER STIPULATED AND AGREED that the Plaintiffs Consumer Electronics Association and Information Technology Industry Council and Defendant the City of New York will continue to meet to discuss how best to collect used electronics for reuse or recycling from New York City residents, including identifying potential collection sites;

AND IT IS FURTHER STIPULATED AND AGREED that the Plaintiffs will not seek any damages or recovery of attorneys' fees in connection with this action.

BEVERIDGE & DIAMOND, P.C.
Attorneys for Plaintiffs
477 Madison Avenue, 15th Floor
New York, New York, 10022
T: (212) 702-5400
F: (212) 702-5450

Michael Murphy
By: Michael Murphy, Esq. (MM 4372)
James B. Slaughter (admitted *pro hac vice*)
Nadira Clarke (admitted *pro hac vice*)
Megan R. Brillault (MB 5562)
Dated: June 18, 2010

MICHAEL A. CARDOZO
CORPORATION COUNSEL OF THE CITY
OF NEW YORK
Attorney for Defendants
New York City Law Department
100 Church Street
New York, New York 10007
T: (212) 788-1585
F: (212) 788-1619

William H. Pauley
By: William H. Pauley, Esq. (WHP 3405)
Dated: June 18, 2010

SIVE, PAGET & RIESEL, P.C.
Attorneys for Intervenor Defendant Natural
Resources Defense Council
460 Park Avenue
New York, New York, 10022
T: (212) 421-2150
F: (212) 421-1891

Steven C. Russo
By: Steven C. Russo, Esq. (SR 7689)
Dated: June 10, 2010

SO ORDERED.

William H. Pauley
Hon. William H. Pauley, N.Y. U.S.D.J.

6/28/10